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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/087,916	03/04/2002	Keola R. Gomes	KG-I-gw	6546
7590	12/17/2003		EXAMINER	
Michael I. Kroll 171 Stillwell Lane Syosset, NY 11791			AHMAD, NASSER	
		ART UNIT	PAPER NUMBER	
		1772	6	

DATE MAILED: 12/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

VB

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/087,916	GOMES, KEOLA R.	
	Examiner Nasser Ahmad	Art Unit 1772	

– The MAILING DATE of this communication appears in the cover sheet with the correspondence address –  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 27 August 2003 and 02 October 2003.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-3,8 and 12-18 is/are pending in the application.

4a) Of the above claim(s) 17 and 18 is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-3, 8 and 12-16 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. §§ 119 and 120

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

a) The translation of the foreign language provisional application has been received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

#### Attachment(s)

1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_ .

2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) Notice of Informal Patent Application (PTO-152)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ . 6) Other: \_\_\_\_\_

**DETAILED ACTION**

***Election/Restrictions***

1. Newly submitted claims 17 and 18 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: The invention of claims 17 and 18 are directed to a method applying polarized films to a transparent medium which is classified in class 156, subclass 99, and can be used with a materially different product such as using plurality polarized films provided for successive lamination stacking.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 17 and 18 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

***Rejections Withdrawn***

Claims 1-15 rejected under 35 U.S.C. 112, second paragraph for reasons of record in paper-2, paragraph-2, mailed April 29, 2003.

***Rejections Maintained***

Claims 1-3 are rejected under 35 U.S.C. 102(e) as being anticipated over Miyatake for reasons of record in paper-2, paragraph-5, mailed April 29, 2003.

Claims 1-3, 8, 12 and newly submitted claim 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miyatake for reasons of record in paper-2, paragraph-7.

Claims 13-15 are rejected under 35 U.S.C. 103(a) for reasons of record in paper-2, paragraph-8.

Claims 1-3, 8, and 12-15 are rejected under 35 U.S.C. 112, first paragraph for reasons of record in paper-2, paragraph-10.

***Response to Arguments***

2. Applicant's arguments filed August 27 and October 2, 2003 have been fully considered but they are not persuasive.

Applicant argues that Miyatake fails to teach or suggest size, shape and orientation of polarization apertures in the polarized films. This is not deemed to be persuasive because Miyatake teaches that the polarized films are provided with desired orientation angle, which would include the size and shape, for controlling the transmittance of light. Further, Miyatake teaches the presence of multiple films and hence each would exhibit sizes, shapes and orientation angle.

As for the non-enabling disclosure for the "curing time period of approximately 72 hours", it is still unclear from applicants explanation and the instant specification as to what adhesives would exhibit said curing time. Applicant's mere argument that the art shows that the adhesives are known in the art and that readily available, presumably at

any desired curing rate, and the absence of any showing as to the adhesive exhibiting said curing time, it is still not clear to how such an adhesive be used by one of ordinary skill in the art.

Regarding the newly submitted claim 16, Miyatake teaches that the adhesive is disposed on the bottom side of each film and hence, the films are attached to each other.

Therefore, in the absence of any evidence to the contrary, it remains the examiner's position that the claimed invention is anticipated or rendered obvious and the disclosure being non-enabling in view of the art discussed above.

**3. THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nasser Ahmad whose telephone number is (703) 308-4424. The examiner can normally be reached on 7:30 AM to 5:00 PM, and on alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on (703) 308-4251. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

  
Nasser Ahmad  
Primary Examiner  
Art Unit 1772

N. Ahmad.  
December 14, 2003.